

Application No. 09/941,151  
Amendment dated December 2, 2003  
Reply to Office Action of June 2, 2003

### **Remarks**

The Examiner has rejected claims 50-52, 57-60 and 62-64 under 35 U.S.C. §112, second paragraph, as being indefinite for certain stated informalities. The claims have been amended to correct the informalities. It is submitted that the rejections have been overcome.

The Examiner has rejected claims 49-60, 63 and 64 under 35 U.S.C. §102(e) as being anticipated by Sachdeva et al. U.S. Patent No. 6,471,512, and claims 61 and 62 under 35 U.S.C. §103(a) as being unpatentable over Sachdeva et al. in view of Andreiko et al U.S. Patent No. 5,431,562.

Applicants submit that any description in the application for the Sachdeva et al. patent was not before the invention claimed herein by Applicants. Applicants submit Declarations under Rule 131 of Craig A. Andreiko, an inventor herein, and Joseph R. Jordan, his counsel herein, to establish that the invention claimed herein was reduced to practice before the filing date of the application of Sachdeva et al. for their patent, or before November 30, 1999.

More specifically, the Declaration of Joseph R. Jordan shows that certain figures in the present application are photographic prints of slides that were in existence before the filing date of the Sachdeva et al. application, that show actual graphic user interfaces embodying claimed features of the present invention, that show actual displays that constitute features of the present invention, and that show actual orthodontic appliances made by the system and method of the present invention. The Declaration of Craig A. Andreiko explains the significance of the information shown in the slides that so existed in the context of the specification and claims.

For example, Applicants have shown that a system was in operation and a method had been successfully performed by which a person viewing a display that displayed teeth in suggested positions had entered feedback information to either make changes to the tooth positions or to approve the positions. Further, revised positions had been redisplayed and custom appliance designs produced in accordance with the feedback information. Further, Applicants have reworded and otherwise amended the claims to more closely parallel these and other concepts of which reduction to practice is shown.

Application No. 09/941,151  
Amendment dated December 2, 2003  
Reply to Office Action of June 2, 2003

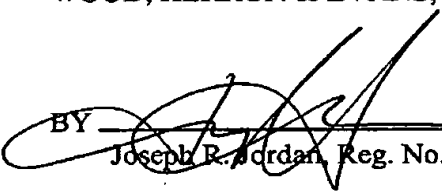
With the showings made under Rule 131, the Sachdeva et al. reference is removed as a prior art reference to Applicants' present claims. Accordingly, it is respectfully submitted that the claims, as amended, should now be allowed.

Applicants authorize a charge to Deposit Account No. 23-3000 in the amount of \$126.00 for seven added claims. Applicants do not believe that any additional fees are due in connection with this submission. However, if such extension is due or any other fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to deposit account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

BY

  
Joseph R. Jordan, Reg. No. 25,686

2700 Carew Tower  
Cincinnati, OH 45202  
(513) 241-2324  
(513) 241-6234 (Facsimile)